
DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled AUTOMATIC LASER POWER CONTROL IN AN OPTICAL COMMUNICATION SYSTEM; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

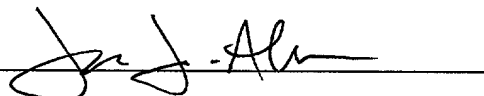
Application No.: 60/240,346

Filing Date: October 13, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James J. Alwan**

Inventor's signature



Date

8-23-01

Residence: 15523 Wyeport Road, Ramona, California 92065

Citizenship: **U.S.**

Post Office Address: **San Diego, CA**

Inventor's signature

Inventor's signature *[Signature]*

Date August 23, 2001

Inventor's signature

Inventor's signature W. W. W. W. W.

Date August 23, 2001

Inventor's signature

Inventor's signature Wm. Claude Warr

Date 8-23-2001

Post Office Address: **San Diego, CA**

Full name of fifth inventor: **Scott Platenberg**

Inventor's signature

Scott Platenberg

Date

9/23/01

Residence: 756 Winding Way, Encinitas, California 92024

Citizenship: U.S.

Post Office Address: **San Diego, CA**

Full name of sixth inventor: **Raymond Dennis Rogers**

Inventor's signature

Raymond D. Rogers

Date

8/23/01

Residence: 7223 Melotte Street, San Diego, California 92119

Citizenship: U.S.

Post Office Address: **San Diego, CA**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------|---|-----------------------|---|
| Applicant | : | Alwan et al. |) |
| | | |) |
| App. No. | : | Unknown |) |
| | | |) |
| Filed | : | Herewith |) |
| | | |) |
| For | : | AUTOMATIC LASER POWER |) |
| | | CONTROL IN AN OPTICAL |) |
| | | COMMUNICATION SYSTEM |) |
| | | |) |
| Examiner | : | Unassigned | |

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620

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App. No. : Unknown
Filed : Herewith

Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Airfiber, Inc.

Dated: 8/27/01

By: C. S. Andrews

Name: Craig S. Andrews

Title: V.P. Business Development

Address: 16510 Via Esprillo
San Diego, CA 92127

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081301

Application No.: Unknown
Filing Date: Herewith

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PATENT
Client Code: AIRFIBE.004A
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ASSIGNMENT

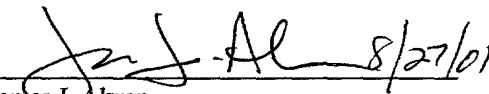
WHEREAS, We, James J. Alwan, a U.S. citizen, residing at 15523 Wyeport Road, Ramona, CA 92065, Victor Jim Chan, a U.S. citizen, 12495 Pathos Lane, San Diego, CA 92129, Scott Harris Bloom, a U.S. citizen, residing at 319 Via Andalusia, Encinitas, CA 92024, Glenn Claude Hoiseth, a U.S. citizen, residing at 29894 Aveninda Cima del Sol, TemelUCA, CA 92591, Scott Platenberg, a U.S. citizen, residing at 756 Winding Way, Encinitas, CA 92024 and Raymond Dennis Rogers, a U.S. citizen, residing at 7223 Melotte Street, San Diego, CA 92119 have invented certain new and useful improvements in a AUTOMATIC LASER POWER CONTROL IN AN OPTICAL COMMUNICATION SYSTEM for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Airfiber, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 16510 Via Esprillo, San Diego, CA 92117, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, it successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, it successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, it successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, it successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.


James J. Alwan

STATE OF

COUNTY OF

ss.

On _____, before me, _____, personally appeared James J. Alwan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

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Application No.: Unknown
Filing Date: Herewith

PATENT
Client Code: AIRFIBE.004A
Page 2

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20__.

Victor Jim Chan 8/24/01
Victor Jim Chan

STATE OF _____

COUNTY OF _____

} ss.

On _____, before me, _____, personally appeared Victor Jim Chan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20__.

Scott Harris Bloom 8/24/01
Scott Harris Bloom

STATE OF _____

COUNTY OF _____

] ss.

On _____, before me, _____, personally appeared Scott Harris Bloom personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

COPY

- DO NOT RECORD -

Application No.: Unknown
Filing Date: Herewith

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Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

Glenn Claude Hoiseth 8/24/01
Glenn Claude Hoiseth

STATE OF

ss.

COUNTY OF

On _____, before me, _____, personally appeared Glenn Claude Hoiseth personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

Scott Platenberg 8/24/01
Scott Platenberg

STATE OF

ss.

COUNTY OF

On _____, before me, _____, personally appeared Scott Platenberg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

COPY

- DO NOT RECORD -

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

Raymond D. Rogers
Raymond Dennis Rogers

STATE OF

}] ss.

COUNTY OF

On _____, before me, _____, personally appeared Raymond Dennis Rogers personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

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081301

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